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U. S. ARMY CORPS OF ENGINEERS PUBLIC HEARING  
FOR THE PORT OF LONG BEACH

REPORTER' S TRANSCRIPT OF PUBLIC HEARING  
TAKEN ON  
THURSDAY, SEPTEMBER 25, 2003  
HELD AT THE PORT OF LONG BEACH  
925 HARBOR PLAZA  
LONG BEACH, CALIFORNIA

LISA ANN VARGAS, C. S. R. NO. 12049

## 1 APPEARANCES OF THE STAFF:

2

JOSHUA BURNAM, Project Manager

3

ROBERT KANTER, Director of Planning

4

TOM JOHNSON, Manager of Environmental Planning

5

STACEY CROUCH, Environmental Specialist

6

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## APPEARANCES OF THE PUBLIC SPEAKERS:

8

1. TOM PLENYS, Coalition for Clean Air

9

2. JESSIE MARQUEZ, Coalition for a Safe Environment

10

3. NOEL PARK, Representing Himself

11

4. DON MAY, California Earth Corps

12

5. COBY SKYE, Long Beach Greens

13

6. GABRIELLE WEEKS, Representing Herself

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## STATEMENTS SUBMITTED FOR THE RECORD

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## STATEMENT 1

## DESCRIPTION

## PAGE

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A Document Submitted by Noel Park

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1 LONG BEACH, CALIFORNIA, THURSDAY, SEPTEMBER 25, 2003

2 6:00 0' CLOCK P. M

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5 MR. KANTER: Good evening, ladies and gentlemen.  
6 Tonight we're going to have a scoping meeting. I would  
7 ask that all cell phones please be turned off. Thank  
8 you.

9 My name is Bob Kanter. I'm the director of  
10 Planning and Environmental Affairs for the Port of Long  
11 Beach. Tonight we are holding a joint scoping meeting  
12 with the U.S. Army Corps of Engineers for the Pier S  
13 Marine Terminal Project. The purpose of the scoping  
14 meeting is to provide an opportunity to the public to  
15 identify issues to consider and in preparation of the  
16 Draft Environmental Impact Statement/Environmental  
17 Impact Report, in accordance with the National  
18 Environmental Policy Act and the California  
19 Environmental Quality Act. The purpose is not to  
20 comment on the merits of the project or to answer  
21 questions or to approve or to deny the project. We are  
22 soliciting your issues. Those in the audience wishing  
23 to comment on this project I encourage to sign in at the  
24 front door on the speaker sign-in sheet that is located  
25 at the lobby door. We have a couple, but if you would

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1 like to make comments tonight, would you please fill it  
2 out. At this time I would like to introduce Josh Burnam

3 with the U. S. Army Corps of Engineers who will summarize  
4 the Corps' role in permitting the proposed project.

5 MR. BURNAM: Good evening everybody. My name is  
6 Josh Burnam. I'm the U. S. Corps of Engineers Project  
7 Manager for the proposed Port of Long Beach Pier S  
8 Terminal Project. On behalf of the Corps I would like  
9 to welcome everybody to the meeting tonight, which we  
10 did set up to conduct simultaneously in Spanish as a  
11 courtesy.

12 As Bob mentioned, the Port of Long Beach has  
13 applied to my agency for permit to construct wharf and  
14 terminal improvements at Pier S. As part of our federal  
15 permit program, the Corps of Engineers is responsible  
16 for regulating the dredging and filling activities in  
17 the waters of the United States. The Port's proposed  
18 activities are regulated under both Sections 404 of the  
19 Clean Water Act and Section 10 of the Rivers and Harbors  
20 Act. Federal action, such as our permit decision, are  
21 subject to compliance with a variety of federal  
22 environmental laws.

23 Consequently, the Corps has the responsibility  
24 to evaluate the impacts that would be caused by the  
25 proposed permit decision prior to making that decision.

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1 In particular, the National Environmental Policy Act, or  
2 NEPA, requires we prepare an environmental impact  
3 statement, or EIS, to evaluate the direct, indirect and  
4 cumulative environmental effects of the proposed permit  
5 and to consider alternatives to that proposed permit.

6 As Bob mentioned, the Port will also prepare an  
7 Environmental Impact report, or EIR, as required by the  
8 California Environmental Quality Act. In order to more  
9 efficiently use government resources, the Corps and the  
10 Port have agreed to prepare a single joint document to  
11 satisfy the requirement.

12 The purpose of tonight's meeting, again, is to  
13 gather advise from the public on what should be  
14 evaluated in the planned EIS/EIR. We are interested in  
15 the public's input to make sure we establish the proper  
16 scope for the analysis and that we identify a proper  
17 range of alternatives as well.

18 For purposes of the testimony tonight, we  
19 should concentrate on issues specifically related to the  
20 Port's proposed project at Pier S. The meeting this  
21 evening is not for the purpose of providing comments in  
22 support of or in opposition of the project. There will  
23 be opportunity later in the process for these comments.

24 Tonight we seek to establish a proper scope  
25 for the planned EIS/EIR document. I would like to

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1 emphasize, the Corps will carefully consider all  
2 comments we receive both orally and in writing. We hope  
3 and expect you will respect opposing views and allow  
4 speakers to make their statements without interference.  
5 Following the hearing, all parties are given until  
6 October 17th to provide any written comment.

7 Tonight's presentation from the Port regarding

8 particular Environmental Quality Act responsibilities  
9 including a visual presentation. Following the  
10 presentation, we'll take oral testimony in two sessions.  
11 The first session is devoted to hearing from selected  
12 representatives of the Coalition for Clean Air and  
13 Natural Resources Defense Council and the Wilmington  
14 Coalition for a Safe Environment. Because these  
15 speakers represent significant numbers of people, they  
16 will be allowed ten minutes to make their statement.

17 The second session will be for members of the  
18 public who would like to express their views as  
19 individuals. During the session, speakers will be given  
20 three minutes to make their comments. If you would like  
21 to speak during the session, you must fill out a speaker  
22 card and give it to one of the staff before the session  
23 begins. For fairness, the speaker order will be random.  
24 All oral or written testimony will become part of the  
25 record for this permit application.

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1 There is a court reporter here tonight. Once  
2 we have the transcripts of the testimony, they will be  
3 published on our website, which was listed on the public  
4 notice for the hearing. Again, if you want to present  
5 your testimony directly, you must fill out a speaker  
6 card and hand it in before we start our second session  
7 of the testimony. As you make your comments, please  
8 note on the table there is a speech timer. The light is  
9 green when you begin. When you have one minute or so  
10 left, the light turns yellow. When your time is up, the

11 light turns red. Please respect these time limits. If  
12 you prefer to provide your comments in writing, they  
13 will be considered equal to the spoken comments. I'll  
14 now hand it back to Mr. Kanter.

15 MR. KANTER: Thank you, Josh. As we mentioned  
16 before this is a joint NEPA and CEQA document. I would  
17 like to go over the project description.

18 The proposed Pier S Marine terminal located on  
19 Pier S in the Terminal Island Harbor Planning District.  
20 Until 1994 the site was an active oil field and oil  
21 production waste disposal site owned and operated by  
22 Union Pacific Resources Corporation. In 1999 the Port  
23 approved an EIR to remediate and clean up the site and  
24 develop it. In 2000 an addendum to that EIR was  
25 prepared to address channel widening safety concerns

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1 raised by the Port's pilot service. The Corps and the  
2 Port have now decided to prepare an EIS/EIR based on  
3 changes to the Corp's requirements and changes to the  
4 project.

5 The next slide, please. The proposed project  
6 would involve the following actions: Widening of the  
7 Cerritos channel by dredging and excavation; realignment  
8 of the existing dike and shoreline and construction of a  
9 wharf, construction of buildings, infrastructure  
10 including utilities and other structures that are  
11 appropriate to the final selective project.

12 The EIS/EIR will consider the following

13 alternatives: A container terminal with rail access, a  
14 container terminal with rail access but with a reduced  
15 wharf, a non-containerized automobile import/export  
16 terminal or a multiuse storage facility without wharf.  
17 This last alternative will also be the No Federal Action  
18 Alternative under NEPA. And the No Project Alternative  
19 will be ours under CEQA.

20 Slide six. The environmental issues to be  
21 analyzed include air quality, transportation, public  
22 health and safety, noise, biology and water quality and  
23 geology. Any inequitable impacts to the neighboring  
24 communities will be analyzed. In addition, the  
25 cumulative impacts of this project in conjunction with

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1 past, present and related projects will also be  
2 analyzed.

3 We are currently at the beginning of the  
4 environmental review process. The next step is to  
5 provide the Draft EIS/EIR and release it for a 45-day  
6 public review during which we will hold another public  
7 hearing. At the end of the public review period we will  
8 respond to all comments received and prepare a Final  
9 EIS/EIR. The Port will then make a decision on which  
10 alternative to select and file a notice of decision.  
11 The Corps will have an additional 30-day public review  
12 on the Final EIS and then prepare a record of decision.

13 Next slide. You will now have the opportunity  
14 to comment on issues you think are important which must  
15 be considered in our joint document. You may speak



16 tonight, hand in your written comments or both at any  
17 time before October 17th. And that concludes my  
18 presentation.

19 MR. BURNAM: We will begin with the first of the  
20 ten-minute session speakers. There is now three. So  
21 we'll begin with Mr. Tom Plenys who, I believe, is  
22 representing the Coalition for Clean Air and the Natural  
23 Resources Defense Council.

24 MR. PLENYS: Good evening. My name is Tom Plenys,  
25 Transportation Policy Associate for the Coalition for

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1 Clean Air. Tonight I am representing the Coalition for  
2 Clean Air and the Natural Resources Defense Council as  
3 well as our tens and thousands of members who reside in  
4 Southern California. I would like to thank you for  
5 holding this hearing and allowing me to speak tonight on  
6 the proposed Pier S Container Terminal Project.

7 After reading through the Notice of  
8 Preparation and the initial study checklist, we have  
9 serious concerns I would like to summarize for you this  
10 evening. We'll be following up these comments with  
11 detailed written comments which will be submitted by the  
12 October deadline.

13 Creation of this container terminal complex  
14 would have a profound affect on the environment and  
15 nearby communities including air quality, water quality,  
16 navigation, noise, industrial light and cancer risk. We  
17 urge you to incorporate the changes we describe tonight

18 into the Draft and Final EIR/EIS.

19           It is essential that the impacts of this  
20 project, like all projects at the Port, be assessed and  
21 mitigated in full. Every project, every vehicle, every  
22 source of potential pollution matters.

23           I would like to summarize our comments in  
24 seven points. First, the preparation of the proposed  
25 EIS/EIR should not rely on the Port's 1999 Pier S

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1 project EIR. The Port's previous EIR is now outdated,  
2 fails to adequately assess the full impacts of the  
3 Pier S project.

4           Nevertheless, that EIR does reveal that the  
5 Pier S project will be massive in scope and will  
6 undoubtedly result in significant impacts on the  
7 environment and public health. Therefore, given the  
8 significant changes to the configuration of the proposed  
9 terminal and related facilities in conjunction with the  
10 fact that at least five years will have elapsed before  
11 the project is approved since the previous EIR, a new  
12 comprehensive EIS/EIR must be completed which considers  
13 all potentially significant impacts of the current  
14 proposed terminal.

15           Second, the scope of the U. S. Army Corps of  
16 Engineers review of the proposed EIS must extend to  
17 include the impacts of the construction and operation of  
18 the container terminal and not just dredging and  
19 discharging of materials within the waters of the United  
20 States. Pier S has never been used for active container

21 operations, the most polluting marine transport use and  
22 even more importantly, cannot be used for such operation  
23 absent the proposed dredge and fill and wharf  
24 construction activity. Rather Pier S has been used as  
25 an oil and gas production field. Before Pier S can

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1 operate as a container terminal, the channel must be  
2 dredged to accommodate the ships. The dike must be  
3 reconstructed, and the wharfs must be constructed in  
4 U. S. waters.

5 Thus, container operations at Pier S will be a  
6 direct result of these proposed federal actions. In  
7 addition, these proposed activities will directly result  
8 in the creation of a container terminal, which terminal  
9 could not otherwise exist. Thus, the EIS must assess  
10 the impacts of operating the Pier S project as those  
11 operations would be a direct result of the Corps'  
12 permitting action. These first two concerns are  
13 discussed in detail in the comment letter of NRDT  
14 submitted on March 25th, 2003 to the Army Corps of  
15 Engineers.

16 Third, the EIS/EIR must consider the impacts  
17 of operating the entire 170 acres of the Pier S  
18 container terminal as exactly that, a container  
19 terminal. The Notice of Preparation states that the  
20 preferred project alternative would develop the majority  
21 of the backlands of the Pier S terminal up to 100 acres  
22 as container storage. However, the NOP states that the

23 proposed project would construct 170-acre marine  
24 terminal on Pier S. Nowhere is it made clear in the NOP  
25 what the intended use would be for the remaining 70

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1 acres for the proposed 170 acre Pier. And it is hard to  
2 believe that this land would be exclusively used for  
3 container terminal related facilities.

4 We are therefore very concerned that the  
5 project description is incomplete and inaccurate and  
6 could result in an EIR/EIS that will not accurately  
7 reflect or characterize the final project nor evaluate  
8 the potential impacts that could be caused by the  
9 proposed Pier S container terminal project.

10 Fourth, we urge both the Port and the Corps of  
11 Engineers to seriously consider the proximity of  
12 Wilmington and Long Beach residents as well as other  
13 neighboring communities to the proposed project site and  
14 the potential significant public health impacts  
15 associated with the pollution generated by the proposed  
16 container terminal.

17 Container terminals have the greatest air  
18 pollution impacts of all marine terminal uses. In  
19 particular, container terminals generate more truck  
20 traffic than other types of terminals, which means  
21 considerably more diesel toxic exhaust. The widening of  
22 the Cerritos channel by approximately ten and a half  
23 acres of new water surface area will presumably allow  
24 for larger container vessels to dock at the proposed  
25 Pier S terminal.

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1           Furthermore, the NOP does not commit to the  
2 inclusion of on dock rail or an eight track intermodal  
3 rail yard facility, a mitigation measure that would help  
4 reduce the potential increase in truck traffic caused by  
5 the proposed Pier S container terminal project. The  
6 residential communities already experience high levels  
7 of mobile and stationary sources of emissions known to  
8 be toxic. The health to the nearby residents,  
9 particularly seniors and children, should be closely  
10 studied and fully mitigated.

11           Fifth, environmental justice and cumulative  
12 impacts caused by the proposed Pier S container terminal  
13 must be adequately considered and fully mitigated.  
14 Although the NOP cover page referenced both  
15 environmental justice and cumulative impact issues as  
16 one potential environmental effects of the proposed  
17 project, the initial checklist failed to include or  
18 discuss either of these vital categories. Environmental  
19 justice and the cumulative impacts associated with the  
20 project must be examined in full in the EIR/EIS. The  
21 health risk this project poses to these communities must  
22 therefore be assessed and mitigated.

23           Wilmington and neighboring community  
24 neighborhoods such as San Pedro, Long Beach, Harbor  
25 City, are all overburdened by pollution and

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1 environmental hazards generated by two ports and several  
2 nearby refinery operations. The Port must consider and  
3 mitigate all environmental justice impacts that are  
4 caused by the construction and operation of the Pier S  
5 container terminal project.

6 Sixth, this terminal, like all other new and  
7 improved Port terminals, should implement the mitigation  
8 measures adopted as part of the Port of Los Angeles'  
9 China Shipping Settlement, as these measures now set the  
10 standard of feasibility. Under the California  
11 Environmental Quality Act, the Port is required to  
12 consider and implement all feasible mitigation measures.  
13 Thus, the Port should make the mitigation measures  
14 agreed to in the Port of L. A. 's China Shipping  
15 Settlement conditions of the proposed Pier S Container  
16 Shipping Terminal Project.

17 These include the following requirements.  
18 First that all tractors run on alternative fuels instead  
19 of diesel. Second, that all other yard equipment run on  
20 emulsified or low sulphur diesel fuel and be installed  
21 with diesel oxidation catalyst or particulate filters.

22 Third, that the wharf infrastructure  
23 intergrade electric power connections and the ships  
24 servicing the terminal be retrofitted and required to  
25 plug into electricity while being docked.

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1                   And finally the low profile cranes instead of  
2 regular gantry cranes be installed and operated at the  
3 site.

4                   Finally, our seventh concern is the Port  
5 should fully consider all mitigation options for air  
6 quality, water quality and all other hazards.  
7 Obviously, the measures mentioned in the China Shipping  
8 Settlement addresses only air quality and aesthetic  
9 impacts, and other environmental impacts need to be  
10 mitigated. CEQA requires the public agency to mitigate  
11 or avoid significant adverse environmental impacts of  
12 projects wherever possible and provide fully and more  
13 enforceable mitigation measures.

14                  Indeed, even as to air quality, other  
15 mitigation measures must be implemented to reduce these  
16 impacts to a level of insignificance, including but not  
17 limited to use of low sulphur diesel fuel by ships,  
18 reduction of over the road heavy-duty truck emissions,  
19 use of electric cranes on site, traffic reduction  
20 measures and increased on dock rail. Thus, the Board  
21 must consider other real and effective mitigation  
22 measures as well. Thank you for considering these  
23 comments.

24           MR. BURNAM: Thanks a lot. Mr. Jessie Marquez for  
25 the Coalition for a Safe Environment.

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1           MR. MARQUEZ: I would like to begin by thanking the  
2 Army Corps of Engineers and the Port of Long Beach for  
3 allowing the public to have an opportunity to speak.

4 This is a valuable opportunity whereby the community can  
5 provide you information about the concerns. Our  
6 organization of Coalition for a Safe Environment  
7 represents hundreds of Harbor residents throughout the  
8 Wilmington, San Pedro, Harbor City and even Long Beach  
9 and even some right here this evening. We will also be  
10 submitting a more extensive public comment written  
11 document by the deadline, but tonight we'll give you an  
12 overview of some our concerns at this time.

13 What we have done in the past is reviewed some  
14 of the past draft EIRs that have been prepared by the  
15 Port of Long Beach. And these are some of the findings  
16 we found that we feel need to be corrected in the future  
17 documents.

18 For example, when the Port has prepared their  
19 documentation, typically they only reference the impact  
20 on Long Beach. I have never found one of their draft  
21 EIR documents that references any of the other bordering  
22 communities when in fact Wilmington, San Pedro, Carson  
23 do in fact border the Port of Long Beach in terms of the  
24 Pier S project. Less than one thousand yards from Pier  
25 S, Wilmington residents, which are Los Angeles

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1 residents, actually live there.

2 It is our opinion in determining where is an  
3 impact area, that we would recommend that a ten-mile  
4 radius from the Port of Long Beach be the impact  
5 designated zone. This way we have some type of



6 reference point as to what is the area of most concern  
7 and the most endangered by any of the Port's operations.

8 Another thing that's lacking from the document  
9 is there has never been a cost associated or referenced  
10 in the document. Since these funds are public trust  
11 funds, the public has a right to know what are the costs  
12 that are going to be expended for the project. A third  
13 point is, if there is already a company that's going to  
14 be leasing the property, then the public has a right to  
15 know who is leasing the property.

16 Examples of concerns, for example, is that we  
17 feel that priority should be given, since the United  
18 States is a democratic country that it should be a  
19 democratic country that allows the people the right to  
20 vote in a free-held election. China Shipping Company,  
21 for example, is not such a country. In fact, they  
22 violate human rights on a daily basis. They would be  
23 one type of company we would not want to do business  
24 with. There are also U.S. based companies that  
25 interfere and form politics and at the same time harm

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1 people of other countries. Unical Oil Refinery is one  
2 of those companies involved right now in a natural oil  
3 quagmire in a foreign country. We wish companies to do  
4 business in our city and communities who have  
5 reputations that are honorable, where human dignity and  
6 human rights are recognized. If there are options out  
7 there, then we want to know what those options are. We  
8 also feel the Port of Long Beach should have held a

9 public meeting separate and aside from these scoping  
10 meetings to discuss alternatives. Typically, the Board  
11 or the Port determines what are the alternatives, and  
12 that is it. Then they allow at this type of meeting for  
13 any other alternatives to come up. We feel it would be  
14 more appropriate for the Port to sponsor a weekend-type  
15 conference or convention whereby the public can come to  
16 it on their leisure time on the weekend where they have  
17 no trouble of working and it is easy for them to attend.  
18 At that time they can present different types of  
19 alternatives.

20 Areas of concern that we do want to make sure  
21 that are contained in this document in terms of  
22 mitigation, we would like to see the Port of Long Beach  
23 establish a ten million health mitigation trust fund.  
24 The fact of the matter and the truth of the matter is  
25 that the community and the public is being impacted by

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1 the diesel fuel emissions and many other types of toxic  
2 chemicals that come out of the various types of  
3 machinery and engines that work here. By establishing a  
4 trust fund for health, residents can come to this trust  
5 fund for monies to help with the different health  
6 problems they are having.

7 I visited a family one time where the mother  
8 said, excuse me, I have to change the filter for my  
9 children inside the equipment they had there because  
10 they had asthma. She comes out with a rectangular towel

11 and placed it inside the machine. I noticed the machine  
12 happened to be round, circular. I asked her, "Why is  
13 the filter rectangular and not circular?" She said the  
14 normal filters cost too much money and she could not  
15 afford to purchase those filters. So she was buying  
16 rolls of paper towels. Well, that is an example where  
17 moneys could be used.

18           You heard throughout the news for the past  
19 several months about the county hospitals that are in a  
20 crisis. Long Beach Memorial Hospital, Harbor General  
21 Hospital, Martin Luther King Hospital are losing 60, 70  
22 medical doctors. Why, because of the funds. By  
23 establishing this trust fund, even our county medical  
24 centers can access funds to help them in the different  
25 types of treatment they provide for clients.

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1           Another example is local clinics. There are  
2 various local clinics both in Wilmington, San Pedro and  
3 Long Beach area that the county and city provides funds  
4 for. They would also have access to this health  
5 mitigation fund. We would also like to see established  
6 for the Port an environmental trust fund of another ten  
7 million dollars whereby the community can also present  
8 proposals whereby funds can be used to do some type of  
9 environmental clean-up so to speak.

10           We would also like to see a mortality study  
11 conducted here in that ten-mile region. It is one thing  
12 to do a health analysis, which incorporates data taken  
13 from national statistics, things of that nature, but we

14 want to see one performed here that involves a ten-mile  
15 radius of the population most impacted. We would also  
16 like to see a health survey of the same population  
17 within that ten-mile radius.

18 We would like to see two million dollars  
19 allocated for a health survey. We've already spoken  
20 with the University of Southern California and Cal State  
21 University if Long Beach would like to participate in  
22 conducting a local health impact study. Basically this  
23 study would be a door-to-door-type study. It would  
24 involve asking families and every resident within that  
25 ten-mile radius zone what type of health problems do you

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1 have. Good examples, typically we're talking about  
2 asthma. In your health risk assessment when they do  
3 those, they talk about how many people might die in  
4 addition due to cancer.

5 I happen to have a personal friend of mine who  
6 one day went to work on a Friday, was sick with his  
7 asthma, had to leave early. Saturday he was worse with  
8 his asthma, checked himself in the hospital with an  
9 acute asthma attack. That Saturday night he went into a  
10 coma and he died the next day, 32 years old leaving a  
11 wife and two lovely children. Guess what? Because he  
12 died of asthma, that's not included as a cancer death in  
13 those health risk assessments. So we need to evaluate  
14 all the other types of illnesses that can cause death as  
15 well. We are also talking about death, but we need to

16 know what is the health impact as well.

17           If you are sick, as we are finding out people  
18 are getting sick more often for more reasons for longer  
19 periods of time requiring more treatments, more types of  
20 medication, more types of equipment, all these are cost.  
21 We need to assess this health impact as well.

22           We also highly support the use of alternative  
23 fuels and any of the Port equipment. We recommend this  
24 be included in your lease agreements for any of the  
25 trucks and the truck lease agreements that you make with

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1 any type of carriers that are going to be facilitating  
2 the Port over here.

3           The truth of the matter is, alternative fuels  
4 do exist today. Biodiesel fuel is available today.  
5 Emulsified diesel fuel is available today. There is  
6 also a new truck carrier that came on line the last  
7 couple of months where the whole fleet of trucks use  
8 alternative fuels. They are available. We also have  
9 local suppliers of propane gas. Also LNG gas is  
10 available. We wish to see these used and incorporated  
11 as part of the lease agreements.

12           We also recommend that the Port in order to  
13 facilitate trucks using this program create a  
14 ten-million-dollar lease program. In this case it would  
15 be a low interest lease program of two to three million  
16 whereby truck owners can come to the Port and get a low  
17 interest loan of two to three percent and purchase a new  
18 truck or more modern truck. This way they can get rid

19 of their old trucks. This is only a loan. The money  
20 would be returned to the Port so there would be no money  
21 lost in the long run.

22 We would also like to see all the docks and  
23 piers electrified. We would like to see a fund created  
24 for changing over of all the piers and Pier S into  
25 electrified and also offer funds to be given to any of

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1 the users, the ship users or shippers, the funds that  
2 they can retrofit their ships to use the dock. And I  
3 thank you for your time.

4 MR. BURNAM: Lastly in this section we'll have  
5 Mr. Noel Park.

6 MR. PARK: Thank you. I have a couple of documents  
7 I'll leave with you. The first one is an article from  
8 yesterday's Los Angeles Times entitled "Southland Smog  
9 Reaches Highest Level in Six Years." I'll read you a  
10 couple of quotes from this.

11 "Until recently California air quality  
12 officials were optimistic about achieving healthful air  
13 in the Los Angeles region, but they now warn that major  
14 reductions in emissions will be required for a host of  
15 sources, including automobile tail pipes, big rig diesel  
16 trucks, consumer products, ships and harbor equipment,  
17 airports and trains. And diesel engines, which power  
18 ships, locomotives, forklifts, construction equipment,  
19 buses and trucks remain one of the biggest but least  
20 regulated sources of pollution.

21 I'm also going to give you a paper entitled  
22 "Health Effects of Diesel Exhaust Air Pollution" which  
23 is prepared for the Port of Los Angeles Advisory  
24 Committee by John Miller M.D. and Dr. Aval of the USC  
25 School of Medicine. And I am not going to try to read

24

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1 the whole paper, but I think it is useful to go through.  
2 (The document referred to was marked  
3 at Statement 1 and is attached hereto.)  
4 MR. PARK: "Summary of health effects that have been  
5 related to diesel exhaust and air pollution as  
6 identified and brought to the committee's attention."  
7 "One, prenatal and perinatal effects,  
8 intrauterine growth retardation, elevated incidence of  
9 low birth rate infants, increased incidence of  
10 spontaneous miscarriage, increased incidence of  
11 respiratory cause of deaths in newborns, elevated  
12 incidence of serious birth defects, increased and sudden  
13 infant death syndrome."  
14 "Childhood effects. Diminished lung growth in  
15 children, development of asthma in children involved in  
16 active sports, exacerbations of existing asthma,  
17 elevation of incidence of asthma in children and  
18 teenagers (an ongoing worldwide phenomenon.) Increased  
19 incidence of -- forgive me on these medical terms --  
20 bronchitis syndromes, loss of days of school attendance  
21 due to respiratory problems. Potentiation enhancement  
22 of allergic effects of known allergens such as ragweed  
23 pollen when an individual is exposed to diesel particles

24 and the allergen concomitantly. "

25 "Adulthood, elevated incidence of lung cancer

25

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1 and a linear relationship with progressive increases in  
2 fine particle (Pm 2.5) air pollution. (The category Pm  
3 2.5 included the particles less than one micron in  
4 size). "

5 "Elevated incidence of myocardial infarctions,  
6 heart attacks, elevated incidence of mortality from  
7 cardiovascular causes, heart attacks and strokes,  
8 triggering of myocardial infarctions associated with  
9 spikes in Pm 2.5, elevation in cardiopulmonary deaths in  
10 a linear relationship with increases in Pm 2.5,  
11 significant elevations in "all caused mortality,"  
12 associated with increases in Pm 2.5, increased incidence  
13 of bronchitic symptoms, chronic pulmonary disease  
14 (COPD): Increased incidence, prevalence and  
15 exacerbations of existing disease, fatal exacerbations  
16 of COPD, exacerbations of asthma leading to time off  
17 work and emergency room visits and hospitalizations,  
18 approximately 1.5 times elevation in the smoking  
19 adjusted incidence of lung cancer in workers  
20 occupationally exposed to diesel exhaust versus the  
21 smoking adjusted relative risk baseline incidence of  
22 lung cancer in similar non-exposed populations. Chronic  
23 exposure to particulate pollution shortens lives by one  
24 to three years. Higher concentrations of particulate  
25 air pollution has been linked to low heart rate



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1 variability, a risk factor for heart attacks.  
2 Association is stronger for people with pre-existing  
3 cardiovascular conditions, mitochondrial damage in  
4 cells, airway inflammatory changes air group, damage to  
5 and death of alveolar and macrophages in all age  
6 groups. "

7 I pointed out this paper supported by  
8 references to 22 scientific papers on the health risks  
9 of diesel pollution.

10 So, you know, I would just say that in the  
11 face of all this, we would ask you as public agencies to  
12 realize that your highest responsibility is to project  
13 the health and safety of the public and not to increase  
14 the diesel exhaust emissions in our communities and in  
15 fact find ways to lower the diesel exhaust emission.  
16 There is plenty of science and technology out there to  
17 approach this. We would suggest to you if you cannot  
18 with existing technology reduce the increase from this  
19 particular project to zero to go to other Port-related  
20 activity and reduce it there, we would ask you to  
21 incorporate these things in your lease agreements. If  
22 that's not possible, then for the Port from its cash  
23 flow to provide incentives to its tenants to do so.

24 On the subject of traffic, there are numerous  
25 articles in the Long Beach Press Telegram and other

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1 papers about the issues of the 710 Freeway. The 710  
2 Freeway is approaching gridlock. I'm going to leave you  
3 a copy. There is no plan in existence to upgrade the  
4 freeway. There is no plan that has any credible  
5 expectation of handling the levels of traffic that are  
6 forecasted in this study.

7 The study that the two ports did in 1991  
8 forecasted that there are 34,000 truck trips today  
9 between the two Ports. And then in 2020 it would be  
10 92,000 truck trips a day. And now the Port of  
11 Los Angeles is extrapolating out to 2025 and forecasting  
12 121,000 truck trips in 2025. The cumulative effect of  
13 all this development is the infrastructure to move the  
14 containers and the other traffic in and out of the two  
15 ports is nonexistent and there are no plans that we know  
16 of to provide a way to do it, so that the citizens are  
17 exposed to a level service F on the local streets and  
18 freeways.

19 Even if the lanes are added to the  
20 710 Freeway until such time as the air quality impacts  
21 are dealt with, it's just an enabler of more air quality  
22 impacts. We think the traffic situation is out of  
23 control. We ask you to look at the impact on the  
24 aesthetics from this project. In both ports the impact  
25 of aesthetics is routinely dismissed because they are

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1 industrial venues, so a little more industrialization is  
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2 not going to hurt the aesthetics. We reject that  
3 argument. Certainly for those of us living in San Pedro  
4 there are thousands of homes on the east side of  
5 San Pedro hill that look out on the two ports. And all  
6 of these huge cranes and piles of containers, and so on,  
7 are clearly visible and mar the skyline and the vistas  
8 from the vista point at San Pedro and eastern Palos  
9 Verdes peninsula. The cranes on Pier T, for example,  
10 are absolutely standing out on the skyline from where we  
11 live and conduct our lives. To say there is no  
12 aesthetic impact is not correct.

13 Light glare, the two ports are the two biggest  
14 sources of light glare I would say in the state. To  
15 dismiss that impact is also incorrect. So we would ask  
16 you to hire some recognized experts on the issue of  
17 light and glare. We direct your attention to the  
18 International Dark Sky Association from Tucson, Arizona  
19 which has published literally hundreds of papers on this  
20 issue. We've consulted with local astronomers who will  
21 tell you that the impact of light and glare from the two  
22 ports impacts the astronomy functions of not only Mount  
23 Wilton but in fact of Mount Palomar. This is an issue  
24 that needs to be addressed. It's on the CEQA checklist.  
25 It's an absolute environmental impact. To routinely

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1 dismiss and ignore it, it needs to be carefully analyzed  
2 and mitigated.

3 The subject of environmental justice has been

4 mentioned here. We submit that the impact of this  
5 project and the cumulative impacts of the project of  
6 both ports extend for many miles. The 710 Freeway  
7 corridor is a perfect example. Along the 710 Freeway  
8 corridor are communities from Long Beach to East  
9 Los Angeles, and in between that are all environmental  
10 impact justice issues, all communities predominantly of  
11 people of color and lower income, and they are all  
12 profoundly impacted by the noise, light, and most  
13 particularly traffic and air quality issues that come  
14 directly from these Port operations. The impact will  
15 flow directly from this container terminal. You have an  
16 absolute responsibility to investigate and mitigate  
17 those impacts.

18 That environmental justice, Jessie talked  
19 about Wilmington, East San Pedro from Gaffey Street East  
20 is officially declared a blighted area by the community  
21 development agencies, clearly an environmental justice  
22 issue there. Jessie mentioned Carson, Compton, all  
23 sorts of communities, the full length of the freeway.  
24 Have I used my time?

25 MR. BURNAM: Yes.

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1 MR. PARK: If I could list a few more that I won't  
2 have time to discuss. I ask you please to look into the  
3 issue of tsunami. The University of Southern California  
4 is doing extensive tsunami research, and they believe  
5 that there is tsunami risk in these ports.

6 Cumulative impacts, please, you have Pier J in  
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7 contemplation, Pier T in contemplation. The Port of  
8 Los Angeles has some ten projects in contemplation. All  
9 of these things will profoundly increase all these  
10 impacts I discussed. I'll leave you a paper from the  
11 Air Quality Management District called "Precautionary  
12 Principal" which I strongly urge you to incorporate into  
13 your analysis and your planning.

14 And, also, we are quite concerned about the  
15 issue of the remediation of the old oil field in this  
16 site and the fact that tons and tons of hazardous  
17 material are buried there on the site and covered up  
18 with asphalt. What is the future impact on that upon on  
19 ground water, upon workers on site? And what other  
20 impacts may flow from that included but not limited to,  
21 we understand that it is possible hazardous material in  
22 the past may have been pumped down into the ground  
23 through old oil wells?

24 MR. KANTER: Could we ask you to wrap it up?

25 MR. PARK: Thank you for your patience. I

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1 appreciate it.

2 MR. MAY: My name is Don May representing California  
3 Earth Corps. Looking at the additional folks --

4 MR. BURNAM: We were actually going to call someone  
5 else to begin the next session.

6 MR. MAY: I'm in this session. This session is for  
7 Earth Corps large groups. We're 4,300 folks whom the  
8 majority are in the South Coast Basin. Would you like

9 me to have our ten minutes now or later?

10 MR. BURNAM: Go ahead.

11 MR. MAY: My name is Don May, Southern California  
12 rep for Southern California Earth Corps. We are a  
13 non-profit mitigation driven environmental group with  
14 offices in San Francisco and Sacramento, Los Angeles and  
15 San Diego, but most of our members are in the South  
16 Coast air basin. We're a little different perhaps than  
17 most folks because all of our members are members from  
18 toxic release areas.

19 We have a number of concerns that we covered  
20 in the EIR on land, of water, of energy and of air.  
21 First of all on land, this entire area is a toxic dump  
22 site, as you're aware. This was operated for 19 years  
23 from February 1st of 1951 until February 24th of 1970.  
24 It had -- oh, a lot, 83,487,840 reported gallons of  
25 toxic waste disposed. Solid waste which was accepted

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1 was nearly a million cubic yards over that 19-year  
2 period has not been remediated, at least not to the  
3 standards of benchmark for clean up, Chevron cleanup,  
4 which is next door for full remediation. It has not  
5 been cleaned up anywhere near to that standard. Which  
6 I'm sure you're aware, the act requires that you have to  
7 fully remediate through DTSC and get RIFS and the record  
8 of decision before you could get a building permit.

9 Now, we believe that the permit issued by the  
10 Port, particularly the coastal permit under the Harbor  
11 Master Plan, is a functional equivalent of a building

12 permit and, therefore, we would like to see that you're  
13 compliance and a full look at the toxic material that  
14 was dumped in there, particularly for under TCL they  
15 accepted some of the most hazardous liquid waste from  
16 the L. A. area during that 20-year period, the acids from  
17 chemical milling, hydrochloric, all these were mixed and  
18 dumped into those two aquifers, the impacts of that, all  
19 of this is quantified down to all the rest, and it  
20 should be in the record so we fully understand just what  
21 the issues are with the land itself.

22               Second -- and let me go just to the air  
23 impacts. I can't really do that without referring to  
24 the Pier J EIR. And this is done in the hopes that you  
25 can incorporate -- make those changes in this EIR that

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1 are deficient in the Pier J. Those problems are -- let  
2 me say first that, you know, if you don't change the way  
3 you're going, you're going to end up just where you're  
4 headed. That's primarily I think what this EIR is  
5 supposed to do is to look at the impact of this  
6 particular project and the things that have to be done  
7 to change where you're going. That's not what's done in  
8 Pier J.

9               For instance, if you look at the -- you can't  
10 assume that the EPA is going to come in and require all  
11 the trucks and the emissions reach an 85, 90 percent  
12 reduction and use that for your baseline. You really  
13 have to project what the emission rates are right now,

14 what they would be. And that's fine under mitigation.  
15 You look at how it is that you're going to clean up the  
16 emissions, not just from the trucks, how you're going to  
17 meet the new standards whether it's through alternative  
18 fuels that are available right now, as have been  
19 mentioned with biodiesel, LNG or any of the others, but  
20 with the better engines. What are you going to do,  
21 require that all trucks on Pier S be manufactured later  
22 than 2007 when EPA's regulations are supposed to go into  
23 effect? How is it that you are going to bring down the  
24 level of emissions of trucks from where they are now to  
25 where they need to be? And let me just -- I know you

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1 guys have seen this many times before, but this is the  
2 Mates II, the diesel death zone. This just looks, as  
3 Noel pointed out, as cancer. We have a larger impact  
4 than this from COPD and bronchial asthma.  
5 This is 1998 data. Since -- from 1998 until  
6 now the emissions have doubled. If you look at a linear  
7 increase with the increase in throughput from the Port,  
8 this points -- looks at diesel emissions of being up to  
9 1700 additional cancers per million. Actually, that  
10 is -- it looks at over 1700, and up to 5700. This really  
11 underestimates the size of the problem.  
12 As you've seen -- if you see the south coast  
13 basin, it comes close to meeting federal clean air  
14 standards. This is what you have to adopt mitigation in  
15 your EIR. If you don't adopt the standards, adopt the  
16 mitigations on a case by case basis, as you go through



17 Pier J, Pier S, Pier T as the leases come up, you will  
18 never be able to get containment of clean air standards.

19 Second thing we have a problem with besides  
20 the assumptions like on trucks, like on stationary  
21 sources, like on the ships themselves where you assume  
22 that EPA standards will be met, you have to show how it  
23 is you're going to get there. The assumptions are a  
24 real problem. I urge you to be careful with those and  
25 not do what you did with Pier J.

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1 The second is with the model that's done. Our  
2 modeler is Camile Seers. She uses the methods that are  
3 spelled out in the Pier J, but comes to an entirely  
4 different set of -- not conclusions, but of maps. And I  
5 need to have our consultants look with your consultants  
6 and see what it is that is wrong with the way that your  
7 modeling system is done. Modeling systems that is  
8 called out in Pier J in fact were developed by Camile  
9 Seers. She was the one who wrote it. And presumably if  
10 the way she implies her model comes up with different  
11 results than the way the Port implies her model, there  
12 is something missing.

13 Finally with the health risk assessment that  
14 is derived from those, again, you need to use an  
15 entirely different set of assumptions. For one thing,  
16 you look at just whether it is the trucks that are only  
17 looked at going out to Willow Street, you need to look  
18 at the entire pathway of the trucks and vehicles.

19     Secondarily, you need to look at getting vehicles off of  
20     the roads and into the Alameda corridor and the measures  
21     needed to be taken to do that.

22             Finally, though, with the health risk  
23     assessment, the modeling that you are using in your  
24     health risk assessment is not comparable either with the  
25     ones that we use in evaluating health risk assessment

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1     for stationary sources inland nor is it comparable to  
2     the one being used in Mates II. Yes, you're calling out  
3     the same methods, but you're getting very different  
4     results in Pier J. We would urge you to talk with our  
5     consultants about how this is done so you won't have  
6     that problem in this EIR. Thank you very much for your  
7     time.

8             I did not have a chance and would like for the  
9     record to say that there are also issues involved with  
10    energy distribution and with the leakage of water from  
11    the gas bar aquifer into the Los Cerritos channel which  
12    we will cover in our written comments. Thank you.

13            MR. BURNAM: Thank you. We're going to move into  
14    our second speakers who will be allotted three minutes  
15    to speak.

16            MR. SKYE: Before you start, my name is Coby Skye.  
17    I am with the Long Beach Greens. There are 1800  
18    resident --

19            MR. BURNAM: Let me say this about the ten-minute  
20    speakers. This is about the third or fourth hearing  
21    where we have had our ten-minute speaker slots. It's

22 been our practice for months to indicate clearly in the  
23 public notice that those groups who wanted speak for ten  
24 minutes should take responsibility to coordinate ahead  
25 of time with us so we could plan logistically. It's

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1 clearly indicated in the public notice. In this case  
2 we'll let you go ahead. It's a small number of people,  
3 but for future meetings I would like everyone here to be  
4 aware of that in case we had 100 people tonight.

5 MR. SKYE: I'll make sure to be brief.

6 As I said, my name is Coby Skye. I'm with  
7 the Long Beach Greens. We're concerned about the direct  
8 cumulative impact from this project, but we're much more  
9 concerned, I would even say appalled, by the lack of  
10 adequate mitigation measures that are included in the  
11 EIR.

12 The AQMD lists the Port of Long Beach as the  
13 second largest polluter in Southern California. And, of  
14 course, the first is the Port of L.A. It seems like  
15 with this project you're trying to gun for first place.  
16 And that's really unacceptable. CEQA standards for  
17 measuring impacts in an impacted area, for instance,  
18 with traffic the way it is, an additional car trip or  
19 truck trip is considered a significant impact. And the  
20 same would hold true for the air quality impact and the  
21 water quality impact and other environmental and social  
22 justice impacts on this project.

23 Because we are in such an impacted area, every

24 additional impact from this project -- and there are so  
25 many it's impossible to go through them all --

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1 represents a significant impact. And the mitigation  
2 measures need to be much stronger in order to really  
3 start to make up for decades of impacts. Part of the  
4 reason why Southern California, and Long Beach in  
5 particular and San Pedro, are so impacted is because of  
6 decades of operation of the Ports of L. A. and Long Beach  
7 and uninhibited growth of those ports.

8 Our suggestion would be, at the very least we  
9 do need to conduct a more thorough survey of the impacts  
10 on residents and businesses in the area. We need to  
11 start establishing mitigation funds for the health of  
12 the residents and also for the environmental impacts.  
13 There is a lot of new developments in Long Beach. It's  
14 important to start looking at how the pollution from  
15 these ports are affecting those.

16 While the ports are the lifeblood of commerce  
17 and industry, they also kill people. There are  
18 thousands that die every year as a result of the  
19 operation of these ports. I would submit that they are  
20 needless deaths. They are arbitrary, and they could be  
21 avoided if more stringent mitigation measures were  
22 adopted, and they certainly could be.

23 Alternative fuel, electric power, greater use  
24 of rail, which we could do right now, all of these  
25 things we could do tomorrow. I think those are the

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1 absolute minimum that we would need to do. I understand  
2 that Pier S is one project, but we need to begin  
3 incorporating these measures into the project. That's  
4 the only way that we would ever move forward.

5 The only other way is for residents to start  
6 standing up and suing in order to have public agencies  
7 put the health and safety of the public first, which is  
8 what you should have done years ago. Thank you very  
9 much.

10 MR. KANTER: Thank you.

11 MR. BURNAM: Our last speaker will be Gabrielle  
12 Weeks.

13 MS. WEEKS: Hi. I'm only asking for three minutes,  
14 but I do represent a group. I'm elected to the  
15 Coordinating Committee of the State Party of California.  
16 We have 28,000 registered Green Party voters in L. A.  
17 County, and a lot more vote green than just those  
18 28,000. I forgot, more importantly I live and work in  
19 downtown Long Beach. I live at 6th and Chestnut. We  
20 have a great school a block from me, and we get a lot of  
21 pollution, not just from the actual Port but from the  
22 010.

23 I work for a law firm in downtown Long Beach.  
24 We do get a lot smog buildup stuff on things that comes  
25 from the Port. It gets better when people move away,

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1 but I think it's a terrific idea for a door to door  
2 assessment, not just averages but a realistic health  
3 assessment of what's going on in downtown Long Beach to  
4 see what the impact is.

5 I want to talk about the lawsuits against the  
6 tobacco industry. Because of the health impacts to the  
7 public created by that, we created funds for medical  
8 treatment. You don't have to wait for lawsuits to begin  
9 correcting the Port's damage to the surrounding  
10 communities, not just the people who live here, but  
11 people who work here. Workers are exposed eight hours a  
12 day. There is a lot of people who don't even have their  
13 job through the Port but that work near downtown and  
14 we're exposed to the Port pollution, the diesel. It's  
15 not going to help our tourist industry. And Long Beach  
16 has just really banked so much on the tourist industry.  
17 If we have a lot of pollution, people will not want to  
18 come here. We need to turn around the pollution and the  
19 impact on the environment and the people here before we  
20 are vulnerable to things like the tobacco industry  
21 lawsuits.

22 MR. KANTER: Thank you. I guess that ends our  
23 speakers that have signed up. We thank you for  
24 providing your input. We would encourage you to provide  
25 written follow up to us. And we will act on that

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1 information and incorporate, as Josh said, in the

092503PH.txt  
2 environmental documents, the NEPA and CEQA requirements  
3 will reflect that. Again, thank you very much. I will  
4 close the meeting.

5 (Whereupon the proceeding adjourned  
6 at 6:45 o'clock p.m.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF RIVERSIDE ) ss.

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4 I, LISA ANN VARGAS, certified shorthand reporter,  
Page 39

5 License No. 12049, do hereby certify:

6 That the proceedings contained herein were taken  
7 before me at the time and place herein set forth and was  
8 taken by me in shorthand and thereafter transcribed into  
9 typewriting by me, and I hereby certify that the said  
10 proceedings are a full, true and correct transcript of  
11 my shorthand notes so taken.

12 I further certify that I am not interested in the  
13 event of the action.

14

15 WITNESS my hand this 18th day of October 2003.

16

17

18 LISA ANN VARGAS, CSR NO. 12049

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